

THE CENTRAL RECORD.

THIRTY FIRST YEAR

LANCASTER, KY., THURSDAY AFTERNOON, FEBRUARY 10, 1921.

NUMBER 46.

WINNES TO BE TRIED IN APRIL

Judge Overrules The Motion To Quash Indictment

Hung Jury Results In Parsons Case—Clash During Deliberation

Harlan, Ky.—The jury trying Dr. H. C. Winnes for the murder of Miss Lura Parsons was discharged Friday afternoon after the lone juror, who for four days and nights clung to his stand for conviction, threatened with knife drawn to do violence to any juror who persisted in arguing with him. The following developments followed in quick succession:

Judge Davis overruled a motion for the defense to quash the indictment on the ground that two of the twelve grand jurors returning it had failed to hear the testimony.

A. Floyd Byrd, special prosecutor, announced that the Commonwealth would ask a change of venue at the next trial, which the defense will oppose.

The case was reset for trial at the next term of court for Friday, April 15th.

Winnex Gives Bond.

Dr. Winnes' bond, formerly \$10,000, was reduced to \$5,000, which was signed by a dozen business and professional men of Harlan.

Commonwealth's Attorney, Grant Forester announced that it is unlikely that any negro convict will be charged for the crime until after Dr. Winnes is acquitted or convicted.

Defense attorneys announced they would investigate with a view of indictment persistent reports that Moses Brewer, gray-haired mountaineer, who hung the jury, had expressed opinion before the trial that Dr. Winnes was guilty.

The outcome of the trial brought forth various comments.

"It's a shame Brewer couldn't listen to reason. He wouldn't let us argue with him," was the composite statement of eleven for acquittal.

Conviction Believed Improvable.

"We will oppose any move to dismiss the indictment," said Mrs. Ethel DeLong Zande, head of the Pine Mountain Settlement School.

"I don't think Dr. Winnes will ever be convicted under the evidence, but I will not ask that the indictment be dismissed," Commonwealth's Attorney Forester, said.

"We will not circulate a petition asking the Commonwealth's Attorney to dismiss it. We want Dr. Winnes vindicated by twelve jurors as he should have been this time. But we are going to ask for donations from the public for him," D. C. Jones, counsel for defense, said.

"My father always taught me that what will be will be. I know I never will be convicted. I guess everything is for the best," was Dr. Winnes' statement.

"I'd like to talk to Mr. Brewer for a few minutes," Mrs. Winnes said.

Only a few persons besides those interested were in the courtroom when the jury was discharged. It was all very casual. There were no tears, no show of bitterness, no tearing of hair. The legal steps to arrange for the next trial were gone through with quiet and without waste of words or display of feeling. It was a colorless anti-climax to the mountains' greatest trial. Judge Davis' preserving hope for a verdict virtually was abandoned after he had talked to the jurors in the morning.

"How can we reach a verdict when one man refuses to try the case on the law of evidence, but insists on his personal opinion?" one of the jurors asked the judge. Moses Brewer turned quickly in his chair. His face was red with anger.

Judge Addresses Jurors.

"Don't you charge me with not trying this case on the law and evidence," he shouted. The judge talked to them for ten or fifteen minutes. He told them about how important it was to reach a verdict and said no one should allow his personal feelings to influence him.

"All of you swore before you were accepted as jurors that you had no personal feeling in the case and I feel sure you swore the truth," he told them. "However, if any personal feeling has come to you during the time you should not let it influence you." He instructed them to return to their room and try again for a short time and promised to dismiss them if they did not agree.

"I'm sick, Judge," Brewer said, as he walked to the juryroom. "I can't stand it much longer." They hardly had the juryroom closed when the

R. D. McMURTRY

Appointed As County Road Supervisor.

At a special meeting of the Fiscal Court held last Monday, Mr. R. D. McMurry, of Buena Vista, was unanimously chosen as County Road Supervisor for Garrard county, succeeding Dr. J. A. Amon, who "resigned" several weeks ago. Mr. McMurry has taken his examination before the proper authorities at Frankfort and has been issued his certificate as such. He assumes his duties at once, and will move with his family into town in the next few days.

The road supervisor of any county has a "hard row to hoe" and his calls will be many, everyone thinking that his road is in the worst condition and should be looked after at once. Mr. McMurry says he proposes to give his entire time to his work and will use his best energies, as far as the financial income will permit, to improve the roads of Garrard county as they have never been done before.

The roads are getting almost impassable, conditions in some parts of the county and many of the good roads need a few holes filled which if done now will save many dollars for the tax payers of the county. Mr. McMurry's salary was fixed at \$1,800 a year.

Look at the label on this paper. It is either a receipt for your subscription or it's a reminder that you are in arrears and that we need your remittance at once. Don't wait another day, for your paper may be stopped.

We are booking orders for cultivated hemp seed, and will contract for your hemp. Hudson & Farau.

Deputy Sheriff heard sounds of a disturbance. He went in to find Brewer with a knife in his hand admonishing the other jurors to leave him alone and not argue with him further.

Sheriff Sent To Room

"I'll whip any man who names this thing to me again," he is quoted as saying. The deputy sheriff reported to the judge and the judge ordered the sheriff into the room. The excitement subsided but the judge's optimism had received its last blow. However, he decided not to dismiss them until after dinner.

At 2 o'clock he called the jury before him.

"Gentlemen, is there any chance for a verdict?" he asked. "No, sir," Foreman G. A. Smith's emphatic answer left no room for doubt. The judge expressed his disappointment and thanked the jurors for their long efforts.

"You may go." Never did twelve men seem so anxious to get away from one another. They all broke for fresh air. Later, most of them returned and talked to Dr. Winnes. G. A. Smith, banker, told a newspaper correspondent of how the jury knelt in prayer when they first went to the juryroom Monday night.

"We took the ballot then and ten were for acquittal and two for conviction," he said. "We did not discuss the case further that night. The next morning, after a short deliberation, a second vote was taken. It stood eleven to one, Brewer thru-out acted unreasonable. He refused to be pinned down on the evidence but would turn off on something else every time. For the last two days we hardly attempted to convince him."

Task Given Up.

"We gave it up as a hopeless proposition. He got so he wouldn't let us argue with him," said Arthur Hensley, a juror.

"The other night in the room he made us leave him alone. At one time he said Dr. Winnes and Jerry Reed might have killed her, yet he would not acquit the doctor."

Brewer was smiling as the jury was dismissed. A short time later he walked away from the Court house with Mrs. Zande, of the settlement school. It was learned that Obahiah Coudill, also an old man, was the other juror who voted for conviction of the first time.

So, five months after the assault and murder of the teacher on the Pine Mountain trail, Dr. Winnes' drawnout fight for legal exoneration has failed.

Dr. Winnes returned with his family to Cincinnati with the charge still over his head.

A warrant charging Jerry Reed negro convict, of murder still exists and the next grand jury will investigate his case. Each case hinges on circumstantial evidence. The mystery is still unsolved.

JUDGE HARDIN

Calls a Party Meeting

He Wants Candidates For Legislature Selected.

Judge Charles A. Hardin, Harrodsburg, chairman of the Democratic State Central and Executive Committee, has written a letter to the Democratic executive head in each county, urging that each call a conference of Democratic leaders in his county to name candidates for the Legislature.

The letter follows: "The situation confronting the Democratic party is of grave and serious importance.

Says State Is Democratic

"The last election has demonstrated beyond a doubt that the State is Democratic and the only way the Republicans can ever in the future succeed in obtaining control of the State's affairs is through the negligence and carelessness of the Democratic voters. Any misstep may lead to serious results. The Democratic party must first prove its right to dominate the opinion of the State by presenting to the voters as candidates to represent them in the General Assembly men of worth, character and ability; men whose very name will be a guarantee that the policies of the party will be carried out intelligently and effectively, and the hopes of those who are looking for the best will not be defeated.

"Controversy builds walls," "conferees build bridges." Can you not at once bring about a quiet conference in your senatorial and legislative districts among chosen men, looking to obtaining candidates, keeping down opposition and disturbances, and especially choosing such men as the importance of the hour demands? If a lawyer select a man of such ability as will meet the requirements and demands of the highest judicial office. If such can be obtained.

Wants Leader In Community

"If a man outside the profession of law, select a man of like standing in his profession or business, as the case may be, and see to it he is an outstanding man who has the confidence of his constituency both as to character and ability to accomplish things and make laws for a self-respecting people.

"The call for service should come from the people and not from candidate or faction.

"With great confidence that you will immediately gather together the influence necessary to obtain the result. I am very sincerely yours.

Advertising Necessary.

Statistics furnished by a financial agency not itself in the publishing business, shows that, of the corporations that went into bankruptcy in 1920, 84 per cent were firms which "did not advertise." The exhibit is most impressive, and the facts are that judicious advertising and judicious "following up" of advertising are almost essential to business success. There never was greater error than that money spent in advertising represents economic waste. Advertising is absolutely necessary under the competitive system.—Louisville Post.

Moberly.

Mrs. Susan H. Moberley died Friday, February 4th, 1921 at the home of her daughter, Mrs. John E. Anderson in Point Leavell with whom she had been living for several years.

Mrs. Moberley was the only daughter of F. W. and Mary A. Champ and was born near Paint Lick Feb. 2nd, 1847. June 15, 1865, she was married to W. A. Moberley, who died in 1903. She is survived by two brothers, Robt. F. and James T. Champ, of Paint Lick and two daughters, Mrs. J. Thomas Ralston, of Paint Lick and Mrs. John E. Anderson of Point Leavell.

She was a consistent Christian—was a member of Fairview Christian church at the time of her death, and had been a member of the church for forty years.

Funeral services were held at the home Saturday afternoon, Rev. Holder, her pastor conducting the service. She was laid to rest by loving hands under a mound of beautiful ferns and flowers in Paint Lick cemetery.

Card Of Thanks.

We wish to extend our sincere thanks to our friends for their many acts of kindness and expressions of sympathy during the illness and recent death of our mother.

Mrs. J. T. Ralston
Mrs. J. E. Anderson.

LOWER ASSESSMENT

Judge Lancaster Will Recommend Lowering Assessments.

A recommendation that the Board of Supervisors reduce the assessment in some degree proportionate with the decrease in land prices that has come since the assessment was taken in July will be made by County Judge Lancaster when the Board of Supervisors meet on March 7th.

Just what the final valuation will be depends on the attitude of the State Tax Commission, Judge Lancaster says. An effort to increase the valuation gradually until 100 per cent valuations obtain has been the policy of the State Tax Commission, and friction has resulted several times between Scott taxpayers and the State Commission made on the Scott assessments.

Several taxpayers declare that land has dropped fully 50 per cent in value, but whether the tax readjustment should come this year or next is a debatable question, they say.

The Board of Supervisors will begin their work the first Monday in March and continue for two or three weeks after which they will take a ten-day recess and reconvene to hear complaints.—Georgetown Times.

Fine Boy

A handsome eight pound boy arrived at the home of Mr. and Mrs. John Wood last Monday. His name is Harold Thomas.

Recovering

Friends will be glad to know that Mr. T. W. Bradshaw is rapidly recovering from an operation at the Danville hospital. Mr. Bradshaw is 78 years old.

Kennedy Farm Brings \$110.00.

A large crowd attended the sale of Mrs. Jennie Kennedy's farm in the East End Tuesday. The place of 123 acres was bought by her son, M. O. Kennedy, at \$110 per acre. The land is rich and lays well and a year ago would have sold probably for \$200. Corn sold at \$3.20 per barrel and milk cows at \$37 to \$45. Other things brought satisfactory prices.—Interior Journal.

Taking The Schools Out Of Politics.

We are publishing an interesting communication from State Superintendent of Public Instruction, Geo. Colvin urging County Boards of Education to disregard politics in choosing County Superintendents. In other words, Mr. Colvin urges the divorce of the public schools and politics. Fine idea. How would it do, however, to start at the top and take the State Superintendent out of politics? If memory is not at fault, Superintendent Colvin was one of the most ardent Republicans on the stump in Kentucky during the last campaign and one of the severest critics of the Democratic party. It would be interesting to know, also, whether the employees in Mr. Colvin's office have divorced from politics. Let's start right.—(Cynthiana Democrat)

Easy Life Until You Try It.

"Give me the life of a farmer," shouted the Town man. All right, and with it the big rain that washes away the fresh plowed field; the hot, scorching wind that burns up the crop; the 1c tobacco; the corn-eating hog, the packer gets for nothing; the fruit orchard nipped by frost; the wheat the miller gets for a nice little song; the big note now due; and for good measure the 1,000 other delightful worries that are peculiarly his, and that no other class of people in the world have to contend with. He has more to worry about between 3:30 a. m. and the time dark sets in than the president of 20 corporations has to bother about in twenty years. It's a man's life, a man's job and worth more than the mere living the farmer gets out of it. Try it and start in on your job next spring with the first thaw and mud!—Glasgow Times.

Wanted.

Salesmen and Collectors. Apply to Singer Sewing Machine Co. Phone 772, Danville, Ky. 1-13-41.

DELEGATES PROTEST

Against Disapproval Of Federal Highway

WILL VISIT WASHINGTON.

Five of the seven counties interested in the proposed Federal Highway through Lancaster and this section of the State were represented at the road meeting held at the court house in Danville Tuesday. Mr. J. E. Robinson, of Lancaster, president of the road organization, was chairman of the meeting and Hon. Henry McElroy, of Lebanon, was the secretary. About twenty-five representatives from Garrard, Boyle, Marion, Green and Taylor counties were present says the Danville Messenger.

Quite a number of speeches were made and it was the consensus of opinion that the Federal Government can be induced to approve the highway through this section. It was stated that an official had recently disapproved the proposed road, but in view of the fact that all necessary funds are ready to build the highway that the Government would reconsider the matter if the question was properly put before the department at Washington.

Committee Named.

A motion was adopted authorizing the chairman to appoint a committee to go to Washington and present the claims of the various counties to the Department of Roads, and the following were named: Henry L. McElroy, of Marion; Woodson Lewis, of Green; Vernon Richardson, of Boyle; and Judge L. L. Walker of Garrard county. These men were asked to go to Washington at the earliest possible time and ask that the disapproval of the project be changed.

A motion also passed at the meeting to the effect that County Judge of each of the seven counties appoint one representative each to form an executive committee for the purpose of working on the Federal Highway project. W. P. Myers, of Marion and J. A. Cheek, of Boyle, were suggested as two of the members of the executive committee and others will be named later.

The delegates were entertained at luncheon at the New York Restaurant at noon as guests of the Danville Chamber of Commerce.

Barnard

The remains of Mr. E. C. Barnard, who died at his home in Washington City last Sunday, were brought to Lancaster for interment yesterday. About thirteen years ago Mr. Barnard was married to Mrs. Juliet Gill Rogers, of this city and since that time have made their home in Washington City. Mrs. Barnard has the deepest sympathy of a large circle of friends and relatives here, where she is so well known and loved.

For many years Mr. Barnard has been in the service of the United States Government and at the time of his death he was commissioner of the United States section of the International Boundary Commission of the United States and Canada. He was born in New York fifty-seven years ago.

Mr. Barnard from 1884 to 1900 served with the United States Geological Survey, mapping sections of Kentucky, Tennessee, Virginia and New York in the East and of California, Montana, Oregon and Washington in the West. He was in charge of the party that went to Alaska in 1898 to map the Forty-mile and Nome districts.

Later as chief topographer of the United States and Canadian Boundary Commission, he surveyed and relocated the boundary line along the forty-ninth parallel from the Pacific coast to the Lake of the Woods. He was appointed American Commissioner on International Boundary Commission in 1915.

Free Garden Seed.

Senator A. O. Stanley has just sent to the Record office several hundred packages of garden seed for free distribution. They will be handed out to all callers, except children, as long as they last. If you want a package ask early for they won't last long.

New Shoe Hospital.

Messrs. I. W. Manley and L. N. Wilson have just opened up a new shoe hospital in Lancaster and the shop is located on Richmond street, adjoining the store room of James Poynter. They have all the latest electrical appliances and can make your old shoes new for a very moderate price. Give them a call.

HIGH AVERAGES

At Planters and Growers Tobacco Warehouse.

The Planters and Growers Tobacco Warehouse floor yesterday averaged \$15.51. This average includes all the low grades. The prices ranged from \$1.00 to \$53.00. We advise all our friends and customers to bring their tobacco in while the market continues good on all grades. We know our market in Lancaster is the highest in the State. We give our strict attention to each and every crop. The follow are some of the averages made on our floor yesterday:

Grant and Ramsey sold 80 pounds at \$44.10; 165 @ \$46; 180 @ \$48; 110 @ \$29; 55 @ \$8; 50 @ \$5.00. Total, 640 pounds, average \$32.00—\$204.48.

Prather and Creech 180 pounds at \$32; 210 @ \$32; 185 @ \$35; 130 @ \$49; 265 @ \$48; 190 @ \$45; 35 @ \$53; 190 @ \$35; 230 @ \$40; 70 @ \$18; 195 @ \$13; 45 @ \$9; 135 @ \$41; 60 @ \$25; 120 @ \$26; 95 @ \$18.00. Total, 2,335 pounds, average \$34.40—\$803.65.

Leslie Sebastian sold 140 pounds at \$49; 185 @ \$32; 145 @ \$33; 125 @ \$33; 240 @ \$51; 310 @ \$40; 415 @ \$38; 255 @ \$26; 125 @ \$30; 165 @ \$29. Total, 2105 lbs., average, \$36.70—\$772.65.

Mrs. Ed Baker and son sold 135 pounds @ \$34; 255 @ \$44; 100 @ \$25; 155 @ \$31; 235 @ \$43; 230 @ \$34; 125 @ \$34; 150 @ \$20.50; 120 @ \$30.00. Total, 1505 pounds, average \$34.70—\$522.00.

Fed Moore sold 100 pounds @ \$3.90; 80 @ \$6; 130 @ \$35; 185 @ \$45; 110 @ \$34; 80 @ \$12; 30 @ \$3.40. Total 715 pounds, average, \$26.00—\$185.47.

Bradshaw and Long 145 @ \$5.50; 210 @ \$6; 205 @ \$20; 130 @ \$23; 95 @ \$25; 110 @ \$39; 190 @ \$35; 160 @ \$39; 150 @ \$36; 125 @ \$38; 50 @ \$26; 270 @ \$24; 120 @ \$5; 140 @ \$12.50. Total, 2,100 pounds, average \$23.32—\$489.82.

Joe McAninch 75 pounds @ \$15; 15 @ \$36; 110 @ \$49; 20 @ \$36; 250 @ \$35; 55 @ \$15; 20 @ \$6.00. Total, 545 pounds, average \$32.05—\$174.70.

Everett Morgan sold 40 pounds at \$13.25; 155 @ \$18.50; 195 @ \$32; 90 @ \$35; 215 @ \$29; 100 @ \$35; 210 @ \$39; 115 @ \$34; 270 @ \$19.50; 105 @ \$15.00. Total, 1,495 pounds, average, \$28—\$414.62.

Henry and Wesley sold 50 pounds @ \$12; 75 @ \$41; 165 @ \$20; 15 @ \$6; 110 @ \$41; 175 @ \$47; 25 @ \$45; 70 @ \$18; 15 @ \$29.00. Total, 700 pounds, average, \$33.90—\$237.20.

W. A. SPEITH, Mgr.

Lost Pocketbook.

Mr. W. E. Whitaker lost a pocketbook between the Garrard Tobacco Warehouse and his home on the Richmond road. The book was badly worn, but contained some valuable notes and contracts. He will pay a liberal reward to finder for its return. (1t.)

Unable To Pay \$200

Alimony, Court Told.

(Louisville Times.)

James G. Cecil, Boyle county farmer, filed an affidavit in Judge Wallace's court recently setting out the fact that the income from his estate is only \$3,200 a year and that out of this sum he has to pay \$2,400 for the support of his aged mother, who is in delicate health and needs the constant care of a physician and nurse. Because of this fact the affiant said he is financially unable to pay his wife, Mrs. Rebecca T. Cecil, a resident of Louisville, \$200 a month for her support and the support of an infant son.

Cecil is suing his wife for divorce on ground of abandonment. He said that at the time of the abandonment three children were depending on him and his wife for support but that since then the eldest son is at work in Cleveland, Ohio, and is self-supporting and that the daughter is in New York and is not depending on either parent for support. Mr. Cecil came to Louisville to confer with his attorney, Judge Shackelford Miller, and while there he will be required to give his deposition on motion of Jas. Garnett, attorney for Mrs. Cecil, after which Judge Wallace will fix the allowance. Mr. and Mrs. Cecil were both in court, but there was no sign of recognition.